IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO.45 OF 2002

IN

NOTICE OF MOTION NO.3724 OF 1999

IN

SUIT NO.6679 OF 1999

M/s VLS Finance Ltd. ...Petitioners

v/s

Shri Krishna Raghava and anr. ...Respondents

Mr R.D. Dhanuka with Ms Vaishali Chandhi i/b Mrs A.R. Dhanuka for Petitioners.

Mr G.C. Singh for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 21ST MARCH 2007.

P.C. :-

1. The learned counsel appearing for respondent No.1, after taking instructions from respondent No.1 who is present in Court, states that the respondent No.1 admits that he has disposed off the property in willful violation of the orders dated 20th December 1999 and 12th September 2001. Thus, the respondent No.1 admits that he has committed contempt of this Court. The respondent No.1 has not filed any affidavit, there is no apology tendered.

2. So far as the question of punishment is concerned, as the respondent No.1 has admitted commiting of contempt of this Court and there is no apology tendered, punishment has to be imposed. There is no mitigating circumstance to be found on record. The orders of which breach is committed were passed in the presence of respondent No.1. In the contempt petition, he remained absent though served. To secure his presence, bailable warrant is issued. In my opinion, therefore, it would be appropriate to sentence the respondent No.1 to undergo simple imprisonment for a period of three months and also to pay fine of Rs.2,000/-. The learned counsel appearing for respondent No.1 submits that the respondent No.1 is

willing to pay Rs.25,00,000/- to the petitioners within a period of one month from today. Though on payment by the respondent No.1 to the petitioners, the claim of the petitioners may not be satisfied, in my pinion, that will be substantial payment and it will go to an extent is purging the contempt. In my opinion therefore, following order would meet the ends of justice.

3. The order sentencing respondent No.1 to undergo simple imprisonment for three months shall remain suspended for a period of one month. If within a period of one month from today, the respondent No.1 pays an amount of Rs.25,00,000/- to the petitioners, the order sentencing him to undergo simple imprisonment for three months shall stand cancelled. On the contrary, if payment is not made as stated above, the order sentencing the respondent No.1 to undergo simple imprisonment for a period of three months will become operative. The respondent No.1 shall also pay Rs.10,000/- as cost of this petition to the petitioners. The amount of fine and the amount of cost to be paid within a period of two weeks from today. It is clarified that this order will not come in the way of the petitioners taking steps to recover any amounts that may be due to the petitioners from the respondent No.1.

. Parties to act on the copy of this order duly

authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.